
STATE PRIMARY
September 16, 2008

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

	DEMOCRAT										
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTAL</u>
SENATOR IN CONGRESS											
JOHN F. KERRY	79	215	83	72	156	282	186	348	171	87	1679
EDWARD J. O'REILLY	47	60	25	24	41	59	50	67	50	41	464
ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
BLANKS	1	1	0	2	3	1	1	1	3	0	13
TOTAL	127	276	108	98	200	342	237	416	224	128	2156
REPRESENTATIVE IN CONGRESS											
JOHN W. OLVER	99	248	88	84	159	304	202	265	189	95	1733
ROBERT A. FEUER	26	26	20	10	35	35	30	46	33	28	289
ALL OTHERS	0	0	0	1	0	0	0	0	0	1	2
BLANKS	2	2	0	3	6	3	5	105	2	4	132
TOTAL	127	276	108	98	200	342	237	416	224	128	2156
COUNCILLOR											
THOMAS T. MERRIGAN	93	167	77	62	130	242	154	274	162	80	1441
ALL OTHERS	0	0	1	1	1	1	2	2	1	2	11
BLANKS	34	109	30	35	69	99	81	140	61	46	704
TOTAL	127	276	108	98	200	342	237	416	224	128	2156
SENATOR IN GENERAL COURT											
STANLEY C. ROSENBERG	118	242	100	93	170	310	216	378	214	115	1956
ALL OTHERS	0	0	0	1	1	1	0	1	1	1	6
BLANKS	9	34	8	4	29	31	21	37	9	12	194
TOTAL	127	276	108	98	200	342	237	416	224	128	2156
REPRESENTATIVE IN GENERAL COURT											
ELLEN STORY	116	246	97	91	165	311	216	377	216	118	1953
ALL OTHERS	0	0	0	1	1	1	0	0	1	1	5
BLANKS	11	30	11	6	34	30	21	39	7	9	198
TOTAL	127	276	108	98	200	342	237	416	224	128	2156
REGISTER OF PROBATE											
DAVID E. SULLIVAN	97	177	75	64	138	248	169	280	167	87	1502
ALL OTHERS	0	1	0	1	0	0	0	1	1	3	7
BLANKS	30	98	33	33	62	94	68	135	56	38	647
TOTAL	127	276	108	98	200	342	237	416	224	128	2156

	REPUBLICAN										
SENATOR IN CONGRESS	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTAL</u>
JEFFREY K. BEATTY	3	5	2	1	4	5	6	8	8	1	43
ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
BLANKS	0	0	0	0	0	0	2	0	0	0	2
TOTAL	3	5	2	1	4	5	8	8	8	1	45

REPRESENTATIVE IN CONGRESS

NATHAN A. BECH	3	3	2	1	3	5	7	7	7	1	39
ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
BLANKS	0	2	0	0	1	0	1	1	1	0	6
TOTAL	3	5	2	1	4	5	8	8	8	1	45

COUNCILLOR

MICHAEL FRANCO	3	4	2	1	3	5	7	7	8	1	41
ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
BLANKS	0	1	0	0	1	0	1	1	0	0	4
TOTAL	3	5	2	1	4	5	8	8	8	1	45

SENATOR IN GENERAL COURT

KEITH C. McCORMIC	3	4	2	1	3	5	6	7	8	1	40
ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
BLANKS	0	1	0	0	1	0	2	1	0	0	5
TOTAL	3	5	2	1	4	5	8	8	8	1	45

REPRESENTATIVE IN GENERAL COURT

ALL OTHERS	0	0	0	0	1	0	0	1	2	1	5
BLANKS	3	5	2	1	3	5	8	7	6	0	40
TOTAL	3	5	2	1	4	5	8	8	8	1	45

REGISTER OF PROBATE

ALL OTHERS	0	0	1	0	1	0	0	1	2	1	6
BLANKS	3	5	1	1	3	5	8	7	6	0	39
TOTAL	3	5	2	1	4	5	8	8	8	1	45

	GREEN-RAINBOW										
SENATOR IN CONGRESS	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTAL</u>
ALL OTHERS	0	0	1	0	0	1	0	0	1	0	3
BLANKS	1	0	1	0	0	0	0	0	0	0	2
TOTAL	1	0	2	0	0	1	0	0	1	0	5

REPRESENTATIVE IN CONGRESS

ALL OTHERS	0	0	1	0	0	1	0	0	1	0	3
BLANKS	1	0	1	0	0	0	0	0	0	0	2
TOTAL	1	0	2	0	0	1	0	0	1	0	5

COUNCILLOR

ALL OTHERS	0	0	0	0	0	0	0	0	1	0	1
BLANKS	1	0	2	0	0	1	0	0	0	0	4
TOTAL	1	0	2	0	0	1	0	0	1	0	5

SENATOR IN GENERAL COURT

ALL OTHERS	0	0	0	0	0	0	0	0	1	0	1
BLANKS	1	0	2	0	0	1	0	0	0	0	4
TOTAL	1	0	2	0	0	1	0	0	1	0	5

REPRESENTATIVE IN GENERAL COURT

ALL OTHERS	0	0	0	0	0	0	0	0	1	0	1
BLANKS	1	0	2	0	0	1	0	0	0	0	4
TOTAL	1	0	2	0	0	1	0	0	1	0	5

REGISTER OF PROBATE

ALL OTHERS	0	0	0	0	0	0	0	0	1	0	1
BLANKS	1	0	2	0	0	1	0	0	0	0	4
TOTAL	1	0	2	0	0	1	0	0	1	0	5

Pct	Registered Democrats	Democratic Ballots Cast	Registered Republicans	Republican Ballots Cast	Registered Green-Rainbow	Green-Rainbow Ballots Cast	Registered Working Families	Working Families Ballots Cast	Unenrolled Voters	P.M. Return	% Voting
1	683	127	81	3	22	1	0	0	711	9:14	8.66
2	843	276	89	5	10	0	0	0	534	9:30	18.96
3	498	108	67	2	12	2	1	0	482	9:18	10.53
4	530	98	72	1	2	0	0	0	394	9:47	9.85
5	732	200	94	4	17	0	0	0	654	9:47	13.57
6	1085	342	137	5	22	1	2	0	888	9:10	16.21
7	985	237	112	8	20	0	1	0	823	9:40	12.52
8	1368	416	175	8	28	0	0	0	920	9:42	16.95
9	961	224	105	8	35	1	0	0	860	9:05	11.82
10	553	128	43	1	5	0	0	0	485	9:46	11.82
	8238	2156	975	45	173	5	4	0	6751		13.67

The polls were closed at 8:00 p.m. as directed in the Warrant. 2,206 ballots were cast, representing 13.67% of the 16,141 voters eligible to vote.

Attest:

Sandra J. Burgess
Town Clerk

Results
SPECIAL TOWN ELECTION
November 4, 2008

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

SELECT BOARD	1	2	3	4	5	6	7	8	9	10	TOTAL
Vladimir Morales	187	207	157	67	233	576	396	344	192	133	2,492
Calvin L. Brower	20	28	23	7	65	24	34	39	28	26	294
Aaron A. Hayden	220	539	234	249	302	567	477	948	432	185	4,153
David T. Keenan	69	98	52	19	79	120	125	140	63	47	812
All Others	17	4	8	2	12	23	14	17	6	12	115
Blanks	35	36	32	2	50	93	59	92	46	42	487
TOTAL	548	912	506	346	741	1,403	1,105	1,580	767	445	8,353

The public announcement was made at 12:40 a.m. on November 5, 2008. 8,353 ballots were cast representing 44% of the 18,962 voters registered.

Attest:
Sandra J. Burgess
Town Clerk

Results
STATE/PRESIDENTIAL ELECTION
November 4, 2008

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

	1	2	3	4	5	6	7	8	9	10	TOTAL
PRESIDENT AND VICE PRESIDENT											
Baldwin and Castle	1	1	0	0	1	1	1	0	1	1	7
Barr and Root	6	6	2	1	3	9	8	6	12	5	58
McCain and Palin	90	136	106	117	108	171	159	215	126	79	1307
McKinney and Clemente	11	3	7	2	6	10	9	9	14	6	77
Nader and Gonzalez	13	11	9	11	12	19	20	18	38	13	164
Obama and Biden	797	1023	828	973	956	1481	1252	1659	1391	839	11199
Ron Paul*	1	1	2	2	0	1	2	0	0	1	10
Hillary Clinton*	0	1	1	4	3	5	0	5	0	3	22
All Others	4	4	10	9	6	6	3	11	9	6	68
Blanks	7	5	5	-6	3	0	0	3	8	0	25
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

SENATOR IN CONGRESS

John F. Kerry	772	981	787	937	915	1431	1200	1630	1335	807	10795
Jeffrey K. Beatty	74	117	84	106	95	159	138	199	101	69	1142
Robert J. Underwood	41	35	42	26	36	47	52	48	77	34	438
Edward J. O'Reilly	1	0	0	0	1	7	1	2	0	0	12
All Others	6	1	12	2	7	6	5	3	5	4	51
Blanks	36	57	45	42	44	53	58	44	81	39	499
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

REPRESENTATIVE IN CONGRESS

John W. Olver	785	1033	800	923	939	1476	1235	1676	1360	784	11011
Nathan A. Bech	86	107	90	108	89	145	128	183	98	75	1109
All Others	2	0	8	3	3	3	3	9	12	9	52
Blanks	57	51	72	79	67	79	88	58	129	85	765
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

COUNCILLOR

Thomas T. Merrigan	697	853	715	822	823	1295	1052	1442	1222	702	9623
Michael Franco	70	106	86	116	92	142	144	188	103	78	1125

All Others	1	3	6	6	1	3	3	5	6	6	40
Blanks	162	229	163	169	182	263	255	291	268	167	2149
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

SENATOR IN GENERAL COURT

Stanley C. Rosenberg	768	1029	796	890	940	1471	1205	1680	1336	747	10862
Keith C. McCormic	76	78	71	113	68	115	118	149	92	84	964
All Others	1	3	8	4	2	3	1	8	5	7	42
Blanks	85	81	95	106	88	114	130	89	166	115	1069
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

REPRESENTATIVE IN GENERAL COURT

Ellen Story	760	981	797	929	901	1460	1175	1635	1315	766	10719
All Others	9	4	7	7	10	11	9	17	16	11	101
Blanks	161	206	166	177	187	232	270	274	268	176	2117
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

REGISTER OF PROBATE

David E. Sullivan	677	842	737	870	814	1302	1080	1450	1229	710	9711
All Others	6	3	8	6	6	6	4	13	16	13	81
Blanks	247	346	225	237	278	395	370	463	354	230	3145
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

QUESTION 1

YES	85	124	83	108	120	199	169	184	109	100	1281
NO	796	1015	874	979	908	1447	1214	1673	1444	828	11178
BLANKS	49	52	13	26	70	57	71	69	46	25	478
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

QUESTION 2

YES	762	931	1	930	851	1329	1127	1527	1340	815	9613
NO	132	225	3	165	195	330	282	352	223	121	2028
BLANKS	36	35	966	18	52	44	45	47	36	17	1296
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

QUESTION 3

YES	656	873	690	779	826	1296	1086	1495	1204	652	9557
NO	211	259	244	289	207	332	290	359	334	264	2789
BLANKS	63	59	36	45	65	75	78	72	61	37	591

TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937
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QUESTION 4

YES	418	428	401	391	461	661	569	742	388	389	4848
NO	333	558	386	455	426	756	642	886	551	323	5316
BLANKS	179	205	183	267	211	286	243	298	660	241	2773
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

QUESTION 5

YES	692	819	699	778	792	1248	1094	1380	1235	722	9459
NO	110	171	124	147	127	248	167	300	147	87	1628
BLANKS	128	201	147	188	179	207	193	246	217	144	1850
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

QUESTION 6

YES	725	861	766	854	848	1328	1119	1482	1289	757	10029
NO	82	133	75	88	79	171	139	214	94	69	1144
BLANKS	123	197	129	171	171	204	196	230	216	127	1764
TOTAL	930	1191	970	1113	1098	1703	1454	1926	1599	953	12937

* Write-In

The public announcement was made at 12:40 a.m. on November 5, 2008. 12,856 ballots were cast representing 67.8% voters registered.

Attest:
Sandra J. Burgess
Town Clerk

* * *

SPECIAL TOWN MEETING
November 10 and 17, 2008

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:38 p.m. There were 248 Town meeting members. 125 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Moderator swore in newly elected Town meeting members.

Mr. Gregg asked Town Meeting to stand for a moment of silence in memory of Frank Wells who passed away in June of this year.

Gerald Weiss recognized all citizens who serve on committees, particularly the following citizens who have completed their service of at least two full three-year terms, or three full two-year terms consecutively.

Council on Aging – Elsie Fetterman 2002 – 2008

Comprehensive Planning Committee – Douglas Kohl 2002 – 2008 and Joanne Levenson 2001 – 2008

Conservation Commission – Eleanor Manire-Gatti 2002 – 2008

Finance Committee – Alice Carlozzi 1993 – 2008

Housing Partnership/Fair Housing Committee – Franklin Wells (Posthumous Recognition) 2002 – 2008

Public Works Committee – Steve Puffer 1989 – 2008

Town/Commercial Relations Committee – Peter Grandonico, Jr. 2002 – 2008

Mr. Weiss made the following procedural motion:

To postpone Articles 6 and 11 to November 17, 2008 at 7:35 p.m. Motion was seconded and voted unanimously.

ARTICLE 1. Reports of Boards & Committees (Select Board)

VOTED to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 11/10/2008.

(Reports were given by Larry Shaffer, Town Manager; Barry Roberts, 250th Celebration Committee; Bob Saul, Facilitation of the Community Choices Committee; and Brian Morton, Finance Committee)

ARTICLE 2. Transfer of Funds – Unpaid Bills (Finance Committee)

VOTED unanimously to DISMISS. *(To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.)*

Action taken on 11/10/2008.

ARTICLE 3. Collector Demand Charge (Select Board)

VOTED that the Town charge for each written demand issued by the collector a fee of \$10 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of January 1, 2009.

Action taken on 11/10/2008.

ARTICLE 4. FY 09 Budget Amendments (Finance Committee)

- A. **VOTED** to amend the action taken under Article 12 of the 2008 Annual Town Meeting – Fiscal Year 2009 Operating Budget to distribute the amount appropriated for FY 09 salary adjustments for Town employees from General Government to Public Safety, Public Works, Planning, Conservation, and Inspections, and Community Services and to transfer sums of money between these accounts to balance the FY 09 Fiscal Year, by decreasing the appropriation and the amount to be raised by taxation for the General Government account by \$162,797 and by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$162,797: Public Safety by \$105,172, Public Works by \$30,026, Planning, Conservation, and Inspections by \$7,803, and Community Services by \$19,796.

Action taken on 11/10/2008.

- B. **VOTED** to amend the budget voted under Article 12 of the 2008 Annual Town Meeting (FY 09 Operating Budget) and appropriate \$10,262 for the Transportation Fund and to meet such appropriation \$10,262 be transferred from Transportation Fund Surplus.

Action taken on 11/10/2008.

- C. **VOTED** to amend the budget voted under Article 12 of the 2008 Annual Town Meeting (FY 09 Operating Budget) and appropriate \$80,000 for the Solid Waste Fund and to meet such appropriation \$80,000 be transferred from Solid Waste Fund Surplus.

Action taken on 11/10/2008.

ARTICLE 5. Stabilization Fund: Appropriate/Transfer from Free Cash (Finance Committee)

VOTED by a declared two-thirds to appropriate and transfer \$460,000 from Free Cash in the Undesignated Fund Balance of the General Fund to the Stabilization Fund.

Action taken on 11/10/2008.

* * *

The November 17, 2008 session, adjourned from November 10, 2008 was called to order by the Town Moderator, Harrison Gregg, at 7:51 p.m. 124 Town meeting members were checked in.

James W. Pistrang was elected Moderator pro tem for the duration of the discussion of Article 6. Mr. Pistrang was sworn to the faithful performance of his duties as Moderator pro tem before taking up Article 6.

The following Town meeting members were sworn in as tellers: Hilda Greenbaum, Nancy Gordon, Dorwenda Bynum-Lewis, James Scott, Nonny Burack, and David Mullins.

ARTICLE 6. Establishment of Municipal Housing Trust (Housing Partnership/Fair Housing Committee)

VOTED YES 95: NO 71 to refer back to the Housing Partnership / Fair Housing Committee.

[To see if the Town will vote to accept G.L. c.44, §55C, and establish a Municipal Affordable Housing Trust to be known as the Amherst Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing for the benefit of low and moderate income households, and further to amend the General Bylaws of the Town by inserting a new Bylaw in Article IV to be entitled “Amherst Affordable Housing Trust Fund,” as follows:

AMHERST AFFORDABLE HOUSING TRUST FUND

1. There shall be a Board of Trustees of the Amherst Affordable Housing Trust Fund, composed of seven members, of whom at least one shall be a member of the Select Board, at least one shall be the Town Manager, and at least two shall be members of the Housing Partnership/Fair Housing Committee. The Select Board shall appoint the Trustees for terms not to exceed two years, except that two of the initial trustee appointments shall be for a term of one year, provided said Trustees may be re-appointed at the discretion of the Select Board. Vacancies shall be filled by the Select Board for the remainder of the unexpired term. Any member of the Board of Trustees may be removed by the Select Board for cause after the opportunity of a hearing.
2. The Trustees are hereby authorized to execute a Declaration of Trust and Certificate of Trust for the Amherst Affordable Housing Trust to be recorded with Hampshire District Registry of Deeds and filed with Hampshire Registry District of the Land Court.
3. The powers of the Board of Trustees, all of which shall be carried on in furtherance of the purposes set forth in G.L. c. 44, § 55C, shall include the following:
 - a. to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, including but not limited to money, grants of funds or other property tendered to the trust in connection with any ordinance or by-law or any general or special law or any other source, including money from G.L. c. 44B;
 - b. to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
 - c. to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the Board deems advisable notwithstanding the length of any such lease or contract;
 - d. to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Board engages for the accomplishment of the purposes of the Trust;
 - e. to employ advisors and agents, such as accountants, appraisers and lawyers as the Board deems necessary;
 - f. to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Board deems advisable;
 - g. to apportion receipts and charges between incomes and principal as the Board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
 - h. to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
 - i. to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the Board may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Board may deem necessary and appropriate;
 - j. to carry property for accounting purposes other than acquisition date values;
 - k. to borrow money on such terms and conditions and from such sources as the Board deems advisable, to mortgage and pledge trust assets as collateral;
 - l. to make distributions or divisions of principal in kind;
 - m. to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the Board may deem appropriate;
 - n. to manage or improve real property; and to abandon any property which the Board determined not to be worth retaining;
 - o. to hold all or part of the Trust property uninvested for such purposes and for such time as the Board may deem appropriate; and
 - p. to extend the time for payment of any obligation to the trust.
4. The Board of Trustees shall provide for an annual audit of the books and records of the Trust. Such audit shall be performed by an independent auditor in accordance with accepted accounting practices. Upon receipt of the audit by the Board of Trustees, a copy shall be provided forthwith to the Select Board.]

Action taken on 11/17/2008.

(A friendly motion to remove the language “or take any other action relative thereto” was carried. A motion made by Hwei-Ling Greeney to insert “at least one shall be a member of the Committee on Homelessness” was defeated.)

Harrison Gregg resumed his duties as Moderator following the vote on Article 6.

ARTICLE 7. Zoning Bylaw - Duplexes in R-G & R-VC (Planning Board)

VOTED by a declared two-thirds to amend Section 3.321, Two family detached dwelling, of the Zoning Bylaw by changing the permit requirement in the R-G and R-VC Districts from Special Permit (SP) to Site Plan Review (SPR).

VOTED by a declared two-thirds to add the following new language under Standards and Conditions:

In all districts, the Special Permit Granting Authority or Permit-Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two family detached dwelling is created.

Action taken on 11/10/2008.

(Article was divided at the request of Al Woodhull)

ARTICLE 8. Zoning Bylaw - B-G & B-VC Residential Density (Planning Board)

VOTED by a declared two-thirds to amend Sections 3.322, 3.323, and footnote b. of Table 3, Dimensional Regulations of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend footnote b. of Table 3, Dimensional Regulations, as follows:

- b. Applies to Residences Uses only (Section 3.32). In the B-G and B-VC districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor ***of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area and Additional Lot Area requirements shall not apply.*** ~~For a Section 3.325 use, or any other use in the districts where all residential dwelling units are located on upper floors, no Basic Minimum Lot Area shall be required and the Additional Lot Area/Family requirement shall apply to all dwelling units.~~

B. Amend Section 3.322, Town House:

A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the ~~Zoning Board of Appeals~~ ***Permit Granting Board or Special Permit Granting Authority*** shall be included as an integral part of any application made under this section. All dimensional regulations in Article 6 shall be observed. ***In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.***

C. Amend Section 3.323:

No more than 50% of the total number of dwelling units shall be of any one size (i.e. # of bedrooms). A management plan, as defined in terms of form and content in the Rules and Regulations adopted by the ~~Zoning Board of Appeals~~ **Permit Granting Board or Special Permit Granting Authority** shall be included as an integral part of any application under this section. ***In all districts, the Permit Granting Board or Special Permit Granting Authority shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of new dwelling units under this section.***

Action taken on 11/10/2008.

ARTICLE 9. Zoning Bylaw - Recreation Facilities (Planning Board)

VOTED to refer motion under parts A, B, D, and E of this article back to the Planning Board.

[A. Amend Article 12 by adding the following language as Section 12.27, and renumbering the remaining sections as appropriate:

12.27 Recreation: The refreshment of body and mind through active or passive forms of play, amusement, engaged study, contemplation or relaxation.

12.270: Recreation, Active: Indoor or outdoor leisure activity involving the physically active use of the body, whether undertaken by individuals (hiking, running, bicycling, skiing, climbing, etc.) or involving organized participatory activity with others, specialized equipment, and occurring at prescribed sites, fields, courses, structures, or buildings developed or improved for that purpose. Active recreation uses include but are not limited to golf courses, playgrounds, tot lots, skateboarding parks, courts for tennis and other court games, swimming pools, and fields for team sports such as baseball, soccer, basketball, football, lacrosse, Ultimate Frisbee, and similar activities. Active recreation may involve motorized or non-motorized vehicles.

12.271: Recreation, Outdoor: Leisure activity which may be either active or passive recreation, occurring outdoors. Outdoor recreation uses may be either commercial or non-commercial in nature. Outdoor recreational uses may involve either minimal or extensive improvements or development of sites, structures, and buildings, and may include outdoor amusement facilities, fields, rides, racing or riding tracks, campground facilities, golf courses, miniature golf facilities, shooting ranges, hunting or fishing preserves, and similar uses. Non-commercial outdoor recreation uses include but are not limited to hiking, camping, bicycling, bird watching and other nature study, rock-climbing, boating, horseback riding, skiing, snowmobiling, picnicking, etc. For the purposes of this Bylaw, outdoor recreation shall be considered to include traditional consumptive forms of outdoor recreation including but not limited to hunting, fishing, trapping, gathering, and similar activities.

12.272: Recreation, Passive: Leisure activity involving moderate physical activity, the use of improved or unimproved sites, structures, or buildings, and which may involve observation of nature or other study. Examples include but are not limited to seating areas, picnicking, hiking, bird watching or other nature study, and similar uses.

B. Amend Article 12 by adding the following language as Section 12.38 (or the appropriate section in alphabetical order), and renumbering the remaining sections as appropriate:

12.38 Usable Open Space: Open land, including but not limited to required common land, that is provided, improved and maintained for active or passive recreation in association with residential uses or development methods under this Bylaw, and which is accessible for the use of all residents of a residential use or development, and/or members of the public. Usable open space shall be contiguous areas of sufficient size to support their proposed use(s), and may be developed and available for play areas, seating or picnicking areas, tot lots, gardens, off-road trails (including but not limited to hiking, jogging, bridle and bicycle trails, as well as those paths and easements which provide access or connection to such trails, regardless of location), ball or playing fields, basketball or tennis courts or similar facilities as are appropriate. Usable open space shall not include parking areas, roadways, sidewalks, private yards or land within wetlands as determined by the Conservation Commission, except as hereinafter provided, and may include areas that are substantially undeveloped and free of structures. Except as may be otherwise provided for in this Bylaw, undeveloped land areas (ex., wetlands) that are inaccessible on foot or otherwise may constitute no more than twenty-five percent (25%) of the total area of usable open space provided for the purpose of any permit under this Bylaw.

D. Amend the title of Section 3.315 to read:

3.315 Outdoor commercial recreational use

E. Amend Section 4.570 by removing the phrase “and/or wetlands” from the last sentence.]

Action taken on 11/10/2008

(Motion by Robert Kusner to amend Part B by deleting everything between “except as hereinafter provided,” and “under this Bylaw.” Was defeated)

VOTED unanimously to refer Part C of Article 9 back to the Planning Board for further review.

[To see if the Town will amend Sections 3.315, 4.570, 10.397, 11.2403, and Article 12 of the Zoning Bylaw, by adding the language in ***bold italics***, as follows:

C. Amend Sections 10.397 and 11.2403, as follows

10.397 The proposal provides adequate recreational facilities, open space and amenities for the proposed use. ***Except in the B-G and B-VC districts, or as may be otherwise required in this Bylaw, all residential uses or developments containing a total of four or more dwelling units shall provide a minimum of 1,000 square feet of usable open space for active or passive recreation per dwelling unit. The Special Permit Granting Authority may allow up to fifty percent (50%) of this requirement to be met by existing active or passive off-site recreational facilities located within 1,000 feet of the subject property and capable of being readily and safely accessed on foot.***

11.2403 Provision of adequate recreational facilities, open space and amenities. ***Except in the B-G and B-VC districts, or as may be otherwise required in this Bylaw, all residential uses or developments containing a total of four or more dwelling units shall provide a minimum of 1,000 square feet of usable open space for active or passive recreation per dwelling unit. The Permit Granting Board may allow up to fifty percent (50%) of this requirement to be met by existing active or passive off-site recreational facilities located within 1,000 feet of the subject property and capable of being readily and safely accessed on foot.***

Action taken on 11/17/2008.

At 10:09 p.m. on November 10, 2008, the meeting voted to adjourn to Monday, November 17, 2008 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 171 Town meeting members were checked in.

ARTICLE 10. Zoning Bylaw & Map- Professional Offices in Light Industrial District (Planning Board)

A. VOTED Yes 104: No 46 to amend Section 3.358.1, Technical or professional office, of the Zoning Bylaw by changing the permit requirement in the Light Industrial (LI) District from N (No) to SP (Special Permit), as follows:

3.358.1 Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to the public in person on the premises

R-O

R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	N	SPR	N

SP

For the purposes of this section, the public shall be defined as including all persons acting as customers or clients receiving services. “Predominantly by appointment” shall mean that a majority of customers or clients who are provided services in person on the premises during any extended period of operation (monthly, quarterly, or annually) shall do so through prior appointment. Exceptions shall be discretionary follow-up visits by customers or clients with regard to services already provided, visits by affiliated professionals or consultants, salespersons, service contractors (delivery, maintenance, etc.), and the like. Office uses under this section shall advertise their on-premises services as being available to the general public only by appointment.

Action taken on 11/17/2008

(The article was divided at the request of Vincent O'Connor. A motion to refer Part A back to the Planning Board was defeated by a Tally Vote YES 64: NO 91. Vote on Main motion was counted by Tally Vote)

B. VOTED by a declared two-thirds to amend the Official Zoning Map by changing the zoning designation on the following properties in the following manner:

Map 11D, Parcel 183 – Extending the LI District into the north and northwest portions of the property, currently zoned R-G, such that the entire property is within the LI District.

Map 14B, Parcel 98 – Rezoning the eastern end of the property from LI to R-G, such that the entire property is within the R-G District.

Action taken on 11/17/2008.

(A motion to change the map and parcel reference from 48 to 98 was voted.)

ARTICLE 11. Larch Hill Article 97 (Hitchcock Center) (Conservation Commission)

VOTED by a declared two-thirds pursuant to G.L. c. 40, §15A to transfer the care, custody, management and control of all or a portion of the following described parcel of land from the Conservation Commission for conservation purposes to the Conservation Commission for conservation purposes and for the purpose of leasing for environmental education, which parcel of land is shown as “Parcel A” on a sketch plan on file with the Town Clerk, and is a portion of the Town-owned land known as “Larch Hill” and described more particularly in a deed recorded with the Hampshire District Registry of Deeds in Book 1743, Page 250, together with use of the access easement appurtenant to said land; and to authorize the Select Board to seek legislative approval for such transfer and lease under Article 97 of the Amendments to the Massachusetts Constitution; such transfer to become effective when the Conservation Commission determines that Parcel A is no longer needed solely for conservation purposes and upon the enactment of said Article 97 legislation.

Action taken on 11/17/2008.

(Motion made in terms of the article excluded the language “or take any action relative thereto” as it was determined by the Moderator to have no meaning.)

The business of the warrant having been completed, the meeting voted to dissolve at 10:20 p.m. on Monday, November 17, 2008. 173 Town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

* * *

SPECIAL TOWN MEETING
November 17, 2008

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:38 p.m. There were 247 Town meeting members. 124 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Moderator swore in newly elected Town meeting members.

ARTICLE 1. 284 North Pleasant Street Covenant (Select Board)

VOTED unanimously to authorize the Select Board to accept a revised covenant governing the range of allowable land uses on the property at 284 North Pleasant Street (Map 11C/Parcel 174), by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

Notwithstanding the rezoning ***designation*** of the subject premises ~~into the Limited Business District (B-L)~~ and any uses allowed ~~in the B-L District~~ ***thereby*** under the Amherst Zoning Bylaw, as such bylaw may be amended from time to time, the use of the premises shall be limited on the first floor ***to the following:***

chiropractic offices and related medical services for the treatment of patients in person and principally by appointment; ***and***

Non-profit educational or religious uses as permitted under G.L. c. 40A, s3;

and ***shall be limited*** on the upper floor and basement to residential use.

Action taken on 11/17/2008/

The business of the warrant having been completed, the meeting voted to dissolve at 7:50 p.m. on Monday, November 17, 2008. 172 Town meeting members were checked in.

Attest:

Sandra J. Burgess

Town Clerk

RESULTS
ANNUAL TOWN ELECTION
March 31, 2009

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

MODERATOR	1	2	3	4	5	6	7	8	9	10	TOTAL
Harrison L. Gregg	109	189	107	112	120	265	186	331	153	67	1639
All Others	2	2	4	0	7	3	4	9	1	2	34
Blanks	43	51	32	23	43	103	69	96	47	28	535
TOTAL	154	242	143	135	170	371	259	436	201	97	2208

SELECT BOARD

Aaron A. Hayden	103	182	102	114	120	249	182	314	142	67	1575
All Others	1	3	4	0	6	2	7	10	6	4	43
Blanks	50	57	37	21	44	120	70	112	53	26	590
TOTAL	154	242	143	135	170	371	259	436	201	97	2208

SCHOOL COMMITTEE

Steven G. Rivkin	44	120	62	87	82	248	128	302	112	56	1241
Irvin E. Rhodes	109	156	96	110	108	242	205	320	148	72	1566
Megan D. Rosa	106	127	92	41	79	117	115	110	78	25	890
All Others	4	1	2	1	2	0	0	3	1	3	17
Blanks	45	80	34	31	69	135	70	137	63	38	702
TOTAL	308	484	286	270	340	742	518	872	402	194	4416

JONES LIBRARY TRUSTEE

Lucy L. McMurrer	29	72	44	56	43	93	104	157	50	27	675
Carol Jeannette Gray	65	78	54	35	75	155	120	198	101	36	917
Sarah McKee	71	102	62	49	75	139	73	163	92	51	877
John M. McDonald III	21	58	30	37	29	96	46	97	42	18	474
All Others	0	0	0	0	1	0	0	2	0	0	3
Blanks	122	174	96	93	117	259	175	255	117	62	1470
TOTAL	308	484	286	270	340	742	518	872	402	194	4416

ELECTOR, OLIVER SMITH WILL

David Farnham	51	56	42	37	58	110	85	139	86	31	695
John Coull	60	123	57	57	63	148	82	168	76	39	873
All Others	0	0	0	0	0	0	0	1	0	0	1
Blanks	43	63	44	41	49	113	92	128	39	27	639
TOTAL	154	242	143	135	170	371	259	436	201	97	2208

HOUSING AUTHORITY

Peter Jessop	97	154	89	88	98	228	152	267	125	65	1363
All Others	1	1	0	0	1	1	1	5	1	0	11

Blanks	56	87	54	47	71	142	106	164	75	32	834
TOTAL	154	242	143	135	170	371	259	436	201	97	2208

REDEVELOPMENT AUTHORITY

Robert B. Kusner	71	83	53	40	88	116	95	165	83	38	832
John W. Coull	55	113	59	63	54	154	100	177	94	41	910
All Others	0	0	0	0	0	0	0	1	0	0	1
Blanks	28	46	31	32	28	101	64	93	24	18	465
TOTAL	154	242	143	135	170	371	259	436	201	97	2208

Precinct I, three years (8)

David Robson Gillham	87	@Catherine Anne Stryker	27	Precinct 1, one year (1)	
Terry J. Franklin	83	@Deborah Jean Timberlake	27	Valerie A. Cooley	103
Margaret E. Gage	102	@+Muthoni C. Magua	1		
Daniel P. Kramer	92	@+Jane H. Wald	1		

Two candidates who received two write-in votes each declined their election. The next highest vote getters received one vote each. In accordance with Section 1.541 of the Amherst Town Government Act a special meeting of the remaining Precinct 1 Town Meeting Members was held on April 22, 2009 and Muthoni C. Magua and Jane H. Wald were elected to fill two of the three remaining vacancies in Precinct 1. Joshua James Stoffel was also elected at the special meeting but declined.

Precinct II, three years (8)

Stephanie Gelfan	115	Stanley F. Gawle	125	Precinct 2, two years (1)	
Cynthia C. Brubaker	133	Albert S. Woodhull	115	Bryan C. Harvey	152
Megan D. Rosa	155	Edith Nye MacMullen	124		
Carol R. Sharick	144	Carolyn M. Holstein	153		

Precinct III, three years (8)

Catharine C. Porter	97	@Audrey A. Barker Plotkin	24
Marcy A. Sala	96	@Adrian A. Durlister	25
Kimberly May Mead	77	@Dorwenda Bynum-Lewis	15
Denise R. Kim-Kusner	71		

One candidate who received two write-in votes declined their election. The next highest vote getters received one vote each. In accordance with Section 1.541 of the Amherst Town Government Act a special meeting of the remaining Precinct 3 Town Meeting Members was held on April 22, 2009 and Barbara S. Noland was elected but later declined.

Precinct IV, three years (8)

Robert J. Joy	84	Precinct IV, two years (2)	
Michael A. Giles	86	Doris R. Holden	95
Abigail M. Jensen	87	Katharine E. Troast	87
Gregory P. Boisseau	86		
@Donna M. Zucker	4		

Three write-in candidates who each received three write-in votes declined.

Precinct V, three years (8)		Precinct V, two years (1)		Precinct V, one year (1)	
Richard Blake Hood	72	Daniel Edward Melick	91	Adan D. Martinez	83
Hisham F. Nakshbendi	75				
Zella B. Harrington	75				
Marilyn J. Rodzwell	83				
Tong Shen	76				
Merrylees Turner	84				
Carolyn Farrington	76				
@Calvin L. Brower	12				

Precinct VI, three years (8)					
Michael C. Jacques	158	Paulette C. Brooks	145	Paul H. Kaplan	173
Robert A. Spence	191	*Joseph M. Wronka	65	Miriam M. Dayton	118
*Joseph J. Wille	88	James A. Brissette	174	*Andrew T. Melnechuk	112
Michael L. Greenebaum	133	Alison Kadlec Donta-Venman	145	*Beth A. Moonstone	100

Precinct VII, three years (8)					
Laura L. Quinn	122	Carol Jeannette Gray	135	Thaddeus E. Dabrowski	120
Louise R. Hammann	126	Albert Chevan	117	+Michael Anthony Bell, Jr.	84
Rebekah R. Demling	128	Susan M. Heitker	116	Robert R. Wellman	132

Irvin E. Rhodes, Town Meeting Member in Precinct 7, was elected to the School Committee which is an ex-officio position. In accordance with Section 1.541 of the Amherst Town Government Act the losing candidate with the highest number of votes was elected to fill the vacancy.

Precinct VIII, three years (8)				Precinct VIII, two years (1)	
N.J. Demerath	191	Frank M. Gatti	203	Dolly G. Jolly	256
Bart Bouricius	210	Clare E. Bertrand	256	*Eleanor R. Manire-Gatti	103
M. Jane Ashby	189	Lisa Anne McKeag	167		
Andrew William Phillips	217	Robert Lyman Phillips	207		

Precinct IX, three years (8)				Precinct IX, one year (1)	
Jill M. Shulman	129	Niels P. LaCour	137	@Richard T. Roznoy	3
Michael A. Ash	131	@Charles J. Traitor	19		
Julia Y. Rueschemeyer	128	@Frederic P. Hartwell	7		
Sarah W. Auerbach	131				

Three vacancies remained following the election. The two write-in candidates with the highest number of votes accepted. The write-in candidates with the next highest numbers of votes declined election. The next highest vote getters had one vote each. In accordance with Section 1.541 of the Amherst Town Government Act a special meeting of the remaining Precinct 9 Town Meeting Members was held on April 22, 2009 and Tom W. Roeper was elected to fill one remaining vacancy.

Precinct X, three years (8)					
Howard T. Ewert	54	Regina B. Rheault	43	John J. Michaels	52
Grace A. Griecci	66	Inge M. Ackermann	63	Robert John Ackermann	60
Christine A. Kline	60	Irwin H. Friman	54		

@ Write-In Candidate

* Defeated

+ Section 1.541 Amherst Town Government Act

<u>Precinct</u>	<u>Ballots Cast</u>	<u>Number Registered</u>	<u>PM Return Time</u>	<u>% Turnout</u>
1	154	1,442	9:15	10.68
2	242	1,478	9:44	16.31
3	143	1,318	9:40	10.85
4	135	1,524	9:42	8.86
5	170	1,470	9:25	11.56
6	371	2,179	8:50	17.03
7	259	1,921	9:00	13.48
8	436	2,520	9:28	17.30
9	201	2,167	9:00	9.28
10	97	1,324	9:27	7.33
TOTAL	2,208	17,343		12.73

The public announcement was made at 9:45 p.m. on March 31, 2009. 2,208 ballots were cast, representing 12.73% of the 17,343 voters registered.

Attest:

Sandra J. Burgess
Town Clerk

RESULTS
ANNUAL TOWN MEETING
May 4, 6, 11, June 15, 17, 22, 23 & 24, 2009

The meeting was televised by Amherst Community Television and shown on the government channel.

The 251st Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:37 p.m. There were 248 Town Meeting Members. 125 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. Town Meeting Members were sworn to the faithful performance of their duties.

The Moderator acknowledged the election of Town-wide officers, and asked the meeting to remember those current and former town meeting members who had died in the past year. Remembered were: Former Town Meeting and Select Board member Homer Cowles; former Town Meeting and Finance Committee member Arthur Swift; and former Town Meeting members Ben Bowditch and Richard Warner.

Hilda Greenbaum, Nancy Gordon, Nonny Burack, James Pistrang, Harry Brooks, and James Scott were sworn in as tellers.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 5/4/2009.

Reports were heard from Margaret Roberts, Town Meeting Coordinating Committee; Barry Roberts, 250th Anniversary Celebration Committee; Laurence Shaffer, Town Manager; and Brian Morton, Finance Committee.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

DISMISSED [To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 5/4/2009.

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED unanimously to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken on 5/4/2009.

ARTICLE 4. Authorization for Compensating Balances (Select Board)

VOTED unanimously to accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken on 5/4/2009.

ARTICLE 5. Atkins Corner Right of Way Issues (Select Board)

VOTED unanimously to amend the vote taken under Article 7 of the May 7, 2007 Annual Town Meeting to authorize the Select Board to acquire, by gift, purchase or eminent domain, the fee in parcels of land from the owners described below:

Part A. To acquire from Hampshire College the fee in a parcel or parcels of land and related easements, and to convey the excess right-of-way to Hampshire College, all as shown on the plans entitled "Reconstruction and related work on Route 116 (West St.- Atkins)," prepared by Camp Dresser & McKee, Inc., dated February 2009, which are on file with the office of the Town Clerk.

Part B. To acquire from Atkins Fruit Bowl the fee in a parcel or parcels of land and related easements, and to convey the excess right-of-way to Atkins Fruit Bowl, all as shown on the aforementioned plans, and further, to authorize the Town to pave the new Atkins Fruit Bowl parking lot as compensation for the conveyance of said property to the Town.

Part C. To acquire from Hampshire Village I & II Community Corp., the fee in a parcel or parcels of land and related easements, and to convey the excess right-of-way to Hampshire Village Community Corp., all as shown on the aforementioned plans.

Action taken on 5/4/2009.

ARTICLE 6. Zoning Amendment – Taxi Services (Planning Board)

VOTED by a declared two-thirds to amend Sections 3.340.3 and 5.013, and Article 12, of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 3.340.3 as follows:

3.340.3 ***Transportation facility***

3.340.30 Railroad or bus depot or other transportation facility

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

SP SP SP SP SP SP SP SP SPR SP SP SP SP

Standards & Conditions

Excluding any office, storage, or repair use unless otherwise allowed by the regulations of the district.

3.340.31 ***Taxicab, limousine service and similar uses.***

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

N N N N N SPR SP SPR SPR SP SP SP N

Standards & Conditions

The operation of a taxi or limousine (livery) service shall be considered a principal use regulated under this section of the Bylaw when any of the following conditions are met: 1) passengers are transported from or delivered to the site, or; 2) three or more vehicles are physically dispatched from or stored on-site, or; 3) any vehicle carries more than 8 passengers, or; 4) on-site activities include ongoing associated vehicle maintenance and repairs.

The operation of a taxicab or limousine service may be permitted as an accessory home occupation under the provisions of Section 5.013 when all of the following conditions are met: 1) on-site activity is limited to dispatch and storage of no more than two vehicles, 2) no vehicle used by the service is capable of carrying more than eight passengers, 3) only occasional minor vehicle maintenance occurs on-site, and 4) no passengers visit the premises.

B. Amend the first paragraph of Section 5.013, as follows:

5.013 Home Occupation - The Board of Appeals may authorize, by issue of a Special Permit, the use of a portion of a dwelling or building accessory thereto as the workroom of a resident artist, craftsperson, beautician, dressmaker, milliner, photographer, cabinetmaker, skate sharpener, radio repair technician, or other person engaged in a customary home occupation, ***or as the office of a resident taxicab or limousine service operator (see Section 3.340.3)***, or as a place for incidental work and storage in connection with the off-premises trade by a resident builder, carpenter, electrician, painter, plumber or other artisan, or by a resident tree surgeon, landscape gardener or similar person, provided that: . . .

C. Amend Article 12, by adding the following new definitions, the first under current Section 12.22, and the second under Section 12.34 or 12.35, as appropriate, with the remaining sections renumbered as appropriate:

12.22 ***Limousine: A livery vehicle primarily garaged or engaged for hire in the Town of Amherst, which is used to carry passengers under pre-arranged contract for an agreed-upon hourly fare, or; operates as a charter, business courtesy, employee shuttle, customer shuttle, or; a motor vehicle on a regularly scheduled route without the use of a taximeter.***

12.35: ***Taxicab: A vehicle for hire garaged in Amherst and used for the conveyance of persons from any point of origin within the Town of Amherst to any other location for a fee, whether hourly or by a taximeter; except livery vehicles as previously defined or a vehicle operated in a manner and for the purposes stated in Massachusetts General Laws, Chapter 159A.***

Action taken on 5/4/2009

Motion made by James Burgess Oldham to reinstate deleted language in Section 3.340.30 "Statements & Conditions" was voted.

The Moderator denied a motion to divide the article.

ARTICLE 7. Zoning Amendment – Municipal Parking District (Planning Board)

VOTED Yes 137, No 47, to amend the Official Zoning Map to increase the boundary of the Municipal Parking District (MPD) to include the entirety of the Town center General Business (B-G) District and abutting Limited Business (B-L) districts north of Kellogg Avenue and Cowles Lane, along with the following properties in the General Residence (R-G) District:

- All of the properties comprising Kendrick Park
- The northern portions of Assessors Map 11C, Parcels 265 and 322, and Map 11D, Parcel 42.

Action taken on 5/4/2009.

Upon a motion made by Gerald S. Weiss Town meeting voted Yes 99, No 85 to delete the first two bulleted items.

A motion to refer back to the Planning Board was defeated.

At 10:11 p.m. on May 4, 2009, Town meeting voted to adjourn to Wednesday, May 6, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 199 Town meeting members were checked in.

* * *

The May 6, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:42 p.m. 125 Town Meeting Members were checked in.

On a motion made by Mr. Wald, Town Meeting voted to consider Article 18 at 7:30 p.m. on Monday, May 11, 2009.

ARTICLE 8. Zoning Amendment – B-G & B-VC Lot Frontage (Planning Board)

VOTED by a declared two-thirds to amend footnote b. of Table 3, Dimensional Regulations of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- b. Applies to Residence Uses only (Section 3.32). In the B-G and B-VC districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor of subdividable dwellings and converted dwellings. For townhouses, apartments, buildings containing dwelling units in combination with stores or other permitted commercial uses, and other permitted multi-unit residential uses in these districts, the Basic Minimum Lot Area, ~~and~~ Additional Lot Area/Family, ***and Basic Minimum Lot Frontage*** requirements shall not apply.

Action taken on 5/6/2009.

ARTICLE 9. Mullin Rule (Planning Board)

VOTED Yes 107, No 51 to accept, for the Select Board, Planning Board, Conservation Commission and Historical Commission, the provisions of M.G.L. c.39, §23D.

Action taken on 5/6/2009.

ARTICLE 10. Rescind General Bylaws, Article IV, Housing Review Board (Select Board)

VOTED to rescind General Bylaws, Article IV, Housing Review Board, commonly known as the “Rent Control Bylaw,” voted by the Town at the February 26, 1986 Special Town Meeting under Article 4, pursuant to Chapter 72 of the Acts of 1986, and later amended at the May 1, 1989 Annual Town Meeting under Article 64.

Action taken on 5/6/2009.

ARTICLE 11. General Bylaws of the Town of Amherst, Massachusetts – Human Rights Bylaw
(Select Board)

VOTED unanimously to amend the HUMAN RIGHTS BYLAW (STM – November 8, 1999 - Art. 16), by adding the language in ***bold italics***, as follows:

1. The Town of Amherst hereby adopts a “Human Rights Policy” pursuant to which it shall be the policy of the Town that no person, public or private, shall be denied any rights guaranteed pursuant to local, state, and/or federal law on the basis of race or color, gender, physical or mental ability, religion, socio-economic status, ethnic or national origin, affectional or sexual preference, ***gender identity or expression, genetic information***, lifestyle, or age.

a. The term “gender identity” shall include a person’s actual or perceived gender, as well as a person’s gender identity, gender-related self-image, gender-related appearance, or gender-related expression whether or not that gender identity, gender-related self image, gender-related appearance, or gender -related expression is different from that traditionally associated with a person’s sex at birth.

b. The term “genetic information” shall mean any written or recorded individually identifiable result of a genetic test as defined by this section or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes. For the purposes of this By-Law, the term genetic information shall not include information pertaining to the abuse of drugs or alcohol which is derived from tests given for the exclusive purpose of determining the abuse of drugs or alcohol.

Action taken on 5/6/2009.

A motion was made in terms of the article except to make changes in grammar and punctuation.

ARTICLE 12. Petition – Special Act – Resident Aliens (Morales)

VOTED Yes 136, No 14 to authorize the Select Board to file with the legislature a request for a special act entitled, An Act authorizing local voting rights for permanent resident aliens residing in Amherst, as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, resident aliens eighteen years of age or older who reside in Amherst may, upon application, have their names entered on a list of voters established by the Town Clerk for the Town of Amherst and may thereafter vote in any election for local offices and local ballot questions.

Section 2. The Select Board of Amherst is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. Nothing in this act shall be construed to confer upon permanent resident aliens the right to vote for any state or federal office or any state or federal ballot question.”

Action taken on 5/6/2009.

On a motion made by Mr. O’Connor, Town Meeting voted to postpone consideration of Article 13 until after Article 20.

ARTICLE 13. Petition – Gas Tax (O’Connor)

DEFEATED Yes 53, No 66

[“To see if the Town will vote to support by resolution, with reservations and reform requirements:

a) Whereas, road and sidewalk reconstruction and repair provides decent jobs at above living wage standards; and,

Whereas, decent roads and sidewalks are necessary for the safe operation of motor vehicles including public transportation and school buses, and for safe walking and bicycling, and

Whereas, it is estimated that it will take \$15 to \$19 billion over the next twenty years simply to maintain Massachusetts' transportation infrastructure in its present deplorable condition; and,

Whereas, many of Amherst's primary roads and sidewalks, and most of its secondary and tertiary roads are in deteriorated and unsafe condition; and,

Whereas, an annual increase of 1/2¢/gallon in the Massachusetts gasoline tax from 1991 forward would have provided sufficient funding to prevent the deterioration of Massachusetts' transportation infrastructure and its funding mechanisms; and,

Whereas, Massachusetts' gasoline tax of 23.5¢/gallon was last increased in 1991, when the average price of regular unleaded gasoline was \$1.14/gallon (\$1.45 in C\$) and oil was \$24/barrel (\$30.5 in C\$); and that tax has, as a consequence, lost 1/3 of its purchasing power since the commodities and services it purchases have also escalated in price; and,

Whereas, the Massachusetts House of Representatives and State Senate voted in the State Budget both adopted on Friday, June 19, 2009 to designate for transportation purposes \$275 million of the \$759 million estimated to be raised by a 1.25¢ increase in the sales tax – that \$275 million being an amount equivalent to a 10¢ increase in the state's gasoline tax;

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst's Representative Town Meeting requests that its state legislators and the leaders of the Massachusetts General Court support, at or near the levels proposed by the Patrick Administration, an increase in the Commonwealth's gasoline tax with the following reservations and conditions:

that in the year when such a gasoline tax increase takes effect, that forward-funding for all regional transit authorities (RTAs) sufficient to preserve services at the FY 09 level begin and continue on as long as that gasoline tax increase continues to be collected; and

that 15% of all gas tax receipts be allocated to Chapter 90 aid to cities and towns; and,

that Chapter 81, which provided that 7.5% of all gas tax revenues be allocated to cities and towns via the Cherry Sheet for policing and maintaining local roads, be reinstated; and,

that at least 80% of all gas tax receipts be allocated to the regions from which they are collected, which allocation shall include Chapters 81 and 90 and RTA allocations, rail infrastructure and service improvements, bikeway funding, etc; and,

that gasoline used for municipal and school vehicles and for tax-supported public transportation vehicles be exempted entirely from the Massachusetts gasoline tax; and,

Further be it resolved that a copy of this resolution as finally voted by the Amherst Representative Town Meeting be sent by the Town Clerk to Governor Deval Patrick, to State Senate President Therese Murray, to Speaker of the House Robert A. DeLeo, to State Senator Stanley Rosenberg, and to State Representative Ellen Story.

b) a proposal to increase the federal gasoline tax by an amount not greater than the amount needed to bring that tax in line with inflation since the last increase in the federal gasoline tax.”

Action taken on 6/24/2009.

ARTICLE 14. FY 09 Budget Amendments (Finance Committee)

- A. **VOTED unanimously** to transfer \$185,000 from the Ambulance Receipts Reserved for Appropriation Account to be used as an other financing source in the General Fund for FY 09.

Action taken on 5/6/2009.

- B. **VOTED unanimously**, in accordance with M.G.L. c. 44, § 53 (2), to appropriate and transfer \$39,578 from the Insurance Recovery Fund to the FY 09 Operating Budget – Public Safety for reimbursement of the cost of repairs to the damaged ambulance.

Action taken on 5/6/2009.

- C. **VOTED** to appropriate and transfer \$106,243 from Free Cash in the Undesignated Fund Balance of the General Fund to the Health Claims Trust Fund to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

Action taken on 5/6/2009

- D. **VOTED** to amend the action taken under Article 12 of the 2008 Annual Town Meeting – Fiscal Year 2009 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$65,000: Public Safety by \$50,000 and Community Services by \$15,000, and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for the following accounts by \$65,000: General Government by \$50,000 and Debt Service by \$15,000.

Action taken on 6/15/2009.

- E. **DISMISSED** *[To see if the Town will amend the action taken under Article 13 of the 2008 Annual Town Meeting (Reserve Fund) and appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund.]*

Action taken on 6/15/2009.

- F. **VOTED unanimously** to transfer \$153,975 from Overlay Surplus to be used as an other financing source in the General Fund for FY 09.

Action taken on 5/6/2009.

ARTICLE 15. Accept M.G.L. Chapter 32B, Section 18A – Medicare Enrollment for Retirees

(Select Board)

VOTED unanimously to accept the provisions of M.G.L. c. 32B, § 18A .

Action taken on 5/6/2009.

ARTICLE 16. Retirement Assessment (Select Board)

VOTED unanimously to raise and appropriate \$3,000,652 for the Hampshire County Retirement System assessment.

Action taken on 5/6/2009.

ARTICLE 17. Regional Lockup Assessment (Select Board)

VOTED to raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

Action taken on 5/6/2009.

ARTICLE 18. Community Preservation Act (Community Preservation Act Committee)

I. VOTED unanimously to appropriate the sum of \$47, 200 in terms of Parts A and B of the Article for Community Preservation Affordable Housing purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

	Affordable Housing		
A	Habitat for Humanity	\$30,000	\$30,000 from CPA FY 10 Estimated Revenues
B	Housing Reserve	\$17,200	\$17,200 from CPA FY 10 Estimated Revenues
	Total Affordable Housing	\$47,200	

Action taken 5/11/2009

II. VOTED to appropriate the sum of \$265,600 in terms of Parts C – N of the Article for Community Preservation Historic Preservation Purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

Action taken 5/11/2009

	Historic Preservation		
C	West Cemetery ironwork (Cutler & Dickinson plot fencing, Tomb Door)	\$25,000	\$25,000 from CPA FY 10 Estimated Revenues
D	West Cemetery Town Tomb reconstruction	\$30,000	\$30,000 from CPA FY 10 Estimated Revenues
E	West Cemetery Landscape Improvements (1730-1870 sections)	\$20,000	\$20,000 from CPA FY 10 Estimated Revenues
F	Kimball House Historic Preservation 575 North East street (year 3 of 5)	\$25,600	\$25,600 from CPA FY 10 Estimated Revenues
G	Archival Material Conservation & Restoration (year 4 of 5) Town Clerk - special collections Jones Library special collections	\$20,000	\$20,000 from CPA FY 10 Estimated Revenues

H	Jones Library roof study/bid specs & emergency repairs (if needed)	\$15,000	\$15,000 from CPA FY 10 Estimated Revenues
I	Jones Library Special Collections climate control (HVAC) study/bid specs	\$10,000	\$10,000 from CPA FY 10 Estimated Revenues
J	Civil War Tablets – Phase I Conservation, Engineering & Design, Installation and Interpretation	\$65,000	\$65,000 from CPA FY 10 Estimated Revenues
L	Historic signs (Writer’s Walk - Dickinson, Frost, Francis, etc.)	\$30,000	\$30,000 from CPA FY 10 Estimated Revenues
M	Historic Register District Nomination (Dickinson District expansion & new Amherst Depot District)	\$10,000	\$10,000 from CPA FY 10 Estimated Revenues
N	Historic Resource Inventory Phase II, Historic Barns/outbuildings	\$15,000	\$15,000 from CPA FY 10 Estimated Revenues
	Total Historic Preservation	\$265,600	

Action taken on 5/11/2009

A motion was made to reduce Part J – Civil War Tablets – Phase I to \$45,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) Town meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion carried Yes 91, No 84 and the amendment failed by default.

Part K – \$7,000 for North Congregational Church Slate Roof Repairs was defeated.

Part L – Historic Signs, was also a counted vote: Yes 95, No 70.

III. VOTED unanimously to appropriate the sum of \$23,500 in terms of Part O of the Article for Community Preservation Open Space Purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

	Open Space		
O	Open Space Surveys and appraisals	\$23,500	\$23,500 from CPA FY 10 Estimated Revenues
	Total Open Space	\$23,500	

Action taken on 5/11/2009.

IV. VOTED to appropriate the sum of \$1,500 in terms of Part P of the Article for Community Preservation Administrative Purposes recommended by the Community Preservation Act Committee and that the amount be appropriated from Community Preservation Estimated Revenues.

	Administrative		
P	To fund CPC administrative expenses.	\$1,500	\$1,500 from CPA FY 10 Estimated Revenues
	Total Administrative	\$1,500	

Action was taken on 5/11/2009.

At 10:11 p.m. on May 11, 2009, the meeting voted to adjourn to June 15, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 182 Town Meeting Members were checked in.

ARTICLE 19. Community Preservation Act – Open Space - Johnson (Community Preservation Act Committee)

VOTED unanimously to authorize the Select Board to acquire, for open space purposes, by gift or negotiated purchase, a conservation restriction on a parcel of land in South Amherst (Map 23B, Parcel 45), to be held by the Conservation Commission in accordance with M.G.L. c. 40, § 8C, in common with The Kestrel Trust, Inc., and to appropriate \$22,500.00 from the Community Preservation Estimated Revenues and \$52,500 from the Community Preservation Fund Balance to fund the acquisition of said conservation restriction and costs related thereto;

and further, to authorize the Town Manager and/or the Conservation Commission or their designee to seek and file on behalf of the Town any and all applications deemed necessary for grants through the Executive Office of Energy and Environmental Affairs or any other program governed by federal or state statute under which this conservation restriction acquisition may be eligible for funding; and to authorize the Select Board, the Town Manager, and/or the Conservation Commission to enter into any and all agreements, including, without limitation, agreements with The Kestrel Trust, and execute any and all instruments as may be necessary or appropriate to effectuate the acquisition of said conservation restriction.

Action taken on 5/6/2009.

ARTICLE 20. Community Preservation Act – Open Space - Olendzki (Community Preservation Act Committee)

VOTED by a declared two-thirds to authorize the Select Board to acquire by gift or negotiated purchase, the fee interest in and to a portion of a parcel of land (Map 20D, Parcel 51), to be managed and controlled by the Amherst Conservation Commission in accordance with M.G.L. c. 40, § 8C for conservation and passive recreation purposes, and to acquire a conservation restriction on the remaining portion of said parcel, which parcel is located south of Station Road and contains a total of 25.61 acres, more or less, all as shown on a plan entitled “Station Road Conservation Land Plan,” on file with the Town Clerk, and to appropriate the sum of \$530,000.00 for the acquisition of said parcel of land and the conservation restriction and costs related thereto, of which \$150,000 shall be appropriated from the Community Preservation Fund Balance and the remaining \$380,000.00 shall be borrowed in accordance with M.G.L. c. 44B, the Community Preservation Act; to authorize the Treasurer, with the approval of the Select Board, to issue any bonds or notes that may be necessary for that purpose, as authorized by M.G.L. Chapter 44, or any other enabling authority;

And further, to authorize the Town Manager and/or the Conservation Commission or their designee to file on behalf of the Town any and all applications deemed necessary under the LAND Program (M.G.L.

c. 132A, §11) or any other applications for funds in any way connected with the scope of this acquisition; and to authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction in the portion of the parcel of land that is to be acquired by the Town in fee in accordance with M.G.L. c. 184 as required by Section 12(a) of M.G.L. c. 44B, as may be necessary on behalf of the Town to effectuate said purchase.

Action taken on 5/6/2009.

At 9:58 p.m. on May 6, 2009, the meeting voted to adjourn to May 11, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 170 Town Meeting Members were checked in.

* * *

The May 11, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 125 Town Meeting Members were checked in.

Town Meeting voted to postpone consideration of Article 13 until after Article 30.

Town Meeting resumed with consideration of Article 18 which was postponed from May 6, 2009.

* * *

The June 15, 2009 session was called to order by Town Clerk, Sandra J. Burgess, at 7:40 p.m. 124 Town Meeting Members were checked in

James W. Pistrang was elected Moderator pro tem for the duration of the June 15, 2009 session and sworn to the faithful performance of his duties.

Town Meeting resumed with consideration of Article 14, Sections D and E.

ARTICLE 21. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)

VOTED unanimously to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member Town of the District for Fiscal Year 2010 as required by Section VI of the Regional Agreement.

Action taken on 6/15/2009.

Adrienne Terrizzi and Jeffrey Lee were sworn in as tellers.

Prior to consideration of Article 22 Town Meeting heard reports from the Finance Committee and the Select Board.

Town Manager, Laurence Shaffer, acknowledged the service of Charles Scherpa, Police Chief, and Keith Hoyle, Fire Chief, both of whom were resigning and were attending their last Town meeting. Chief Scherpa and Chief Hoyle received a standing ovation.

ARTICLE 22. FY 10 Operating Budget (Finance Committee)

PUBLIC SAFETY

VOTED to appropriate \$8,315,386 for Public Safety and that to meet such appropriation \$6,310,111 be raised by taxation and \$2,005,275 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 6/15/2009.

A motion made by Vincent O'Connor to postpone consideration of Article 22 until June 22, 2009 was defeated. A motion made by Gerald Weiss to consider Community Services before Public Safety was defeated, Yes 72; No 99.

A motion made by Michael Ash to increase the amount for Public Safety to \$8,726,846 (+\$411,460) contingent on an override was defeated.

At 10:17 p.m. on June 15, 2009, the meeting voted to adjourn to Wednesday, June 17, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 179 Town meeting members were checked in.

* * *

The June 17, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 124 Town Meeting Members were checked in.

Town Meeting voted to postpone consideration of the Library Services budget until after Article 27. Carolyn Holstein was sworn in as a teller.

PUBLIC WORKS

VOTED to raise and appropriate \$1,843,942 for Public Works.
Action taken on 6/17/2009.

PLANNING/CONSERVATION/INSPECTIONS

VOTED to raise and appropriate \$886,562 for Planning/Conservation/Inspections.
Action taken on 6/17/2009.

A motion was made by Hwei-Ling Greeney to reduce the Planning/Conservation/Inspections budget by \$60,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) Town meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion passed and the Greeney amendment failed by default.

COMMUNITY SERVICES

VOTED to raise and appropriate \$1,533,637 for Community Services.
Action taken on 6/17/2009.

Motions to amend: Vincent O'Connor, increase by \$175,000 contingent upon a Proposition 2 ½ Override; Laura Quinn, increase by \$80,000; Carol Gray, increase by \$24,000; Kevin Eddings, increase by \$10,000; Robert John Ackermann, increase by \$8,000; James Smith, decrease by \$795,637. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) Town meeting voted on the motions in descending order beginning with the largest sum. O'Connor, defeated; Quinn, defeated; Gray, defeated; Yes 50: No 98; Eddings, defeated; Ackermann, defeated. The Finance Committee motion was voted on and passed and the Smith amendment failed by default.

At 10:59 p.m. on June 17, 2009, the meeting voted to adjourn to June 22, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 162 Town Meeting Members were checked in.

* * *

The June 22, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:37 p.m. 123 Town Meeting Members were checked in.

Town Meeting voted to consider Article 24 after consideration of the Library Services budget.

GENERAL GOVERNMENT

VOTED to appropriate \$5,752,026 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and

that to meet such appropriation \$5,663,039 be raised by taxation and \$88,987 be transferred from the Ambulance Receipts Reserved for Appropriation Account.
Action taken on 6/22/2009.

DEBT SERVICE

VOTED unanimously to appropriate \$1,545,867 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,412,103 be raised by taxation, \$83,774 be appropriated and transferred from Community Preservation Fund annual revenues, and \$49,990 be appropriated from Wildwood School Roof Reserved for Debt Service Account.
Action taken on 6/22/2009.

LIBRARY SERVICES

VOTED to approve the Library Services operating budget of \$2,093,584, and to raise and appropriate \$1,468,029 as its share of that budget.

Action taken on 6/24/2009.

Robert Kusner made a motion to increase the Library Services budget and the Town's share of that budget by \$149,000. Patricia Holland, President of the Jones Library Trustees, made a motion to increase the Library Services budget and the Town's share of that budget by \$34,704. James Smith made a motion to reduce the Library Services budget by \$149,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) Town Meeting voted on the motions in descending order beginning with the largest sum. The Kusner amendment was defeated. The Holland amendment was defeated by a tally vote: Yes 74, No 76. The Finance Committee motion carried and the Smith amendment failed by default.

ELEMENTARY SCHOOLS

VOTED Yes 116, No 45 to raise and appropriate \$20,381,768 for the Amherst Elementary Schools.

Action taken on 6/22/2009.

Vincent O'Connor made a motion to increase the Elementary Schools budget by \$400,000, and Michael Greenebaum made a motion to decrease by \$1,000. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) Town Meeting voted on the motions in descending order beginning with the largest sum. The O'Connor amendment was defeated; Yes 41, No 114. The Finance Committee motion carried and the Greenebaum amendment failed by default.

REGIONAL SCHOOLS

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$27,776,352 and to raise and appropriate \$12,574,043 as its share of that budget.

Action taken on 6/22/2009.

At 10:06 p.m. on June 22, 2009, the meeting voted to adjourn to June 23, 2009 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 170 Town Meeting Members were checked in.

* * *

The June 23, 2009 session was called to order by the Town Moderator, Harrison Gregg, at 7:48 p.m. 123 Town Meeting Members were checked in.

WATER FUND

VOTED unanimously to appropriate \$3,743,268 for the Water Fund and to meet such appropriation \$3,527,584 be made available from Water Fund revenues of the current year and \$215,684 be transferred from Water Fund Surplus.

Action taken on 6/23/2009.

SEWER FUND

VOTED unanimously to appropriate \$3,417,014 for the Sewer Fund and to meet such appropriation \$3,184,356 be made available from Sewer Fund revenues of the current year and \$232,658 be transferred from Sewer Fund Surplus.

Action taken on 6/23/2009.

SOLID WASTE FUND

VOTED to appropriate \$531,194 for the Solid Waste Fund and to meet such appropriation \$507,000 be made available from Solid Waste Fund revenues of the current year and \$24,194 be transferred from Solid Waste Fund Surplus.

Action taken on 6/23/2009.

TRANSPORTATION FUND

VOTED unanimously to appropriate \$891,116 for the Transportation Fund and to meet such appropriation \$806,793 be made available from Transportation Fund revenues of the current year and \$84,323 be transferred from Transportation Fund Surplus.

Action taken on 6/23/2009.

ARTICLE 23. Human Service Budget (The Coalition to Support an Amherst Human Services Budget)

DISMISSED

["To see if the Town will raise and appropriate \$66,000 to assist agencies delivering a variety of critical services to Amherst residents, distributing these monies as per the FY 08 and FY 09 allocations recommended and implemented by the Community Development Committee as follows:

\$19,000	<i>Amherst Survival Center</i>
\$14,000	<i>Big Brother, Big Sister of Hampshire County/Center for Human Development</i>
\$4,200	<i>Center for New Americans</i>
\$4,900	<i>Cot Programs/Servicenet</i>
\$13,000	<i>Family Outreach of Amherst/Center for Human Development</i>
\$4,900	<i>Men's Resource Center (MOVE Program)</i>
\$6,000	<i>Not Bread Alone/Center for Human Development"]</i>

Action taken on 6/23/2009.

ARTICLE 24. Reserve Fund (Finance Committee)

VOTED to raise and appropriate \$100,000 for the Reserve Fund for FY 10.

Action taken on 6/24/2009.

ARTICLE 25. Capital Program – Chapter 90 (Joint Capital Planning Committee)

VOTED to authorize the expenditure of \$670,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

Action taken on 6/23/2009.